

1 AN ACT relating to election districts and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 13 of this Act:*

6 *(1) "Commission" means the Advisory Redistricting Commission;*

7 *(2) "Commissioner" means a person who is selected or appointed as a member of the*
8 *Advisory Redistricting Commission;*

9 *(3) "Local government" means any of the following:*

10 *(a) City government;*

11 *(b) County government;*

12 *(c) Urban-county government;*

13 *(d) Charter county government;*

14 *(e) Consolidated local government; or*

15 *(f) Unified local government;*

16 *(4) "Major political party" means either of the two (2) political parties with the*
17 *largest representation in the General Assembly;*

18 *(5) "Population" means the most recent United States Census data collected under*
19 *Pub. L. No. 94-171; and*

20 *(6) "Redistricting" means the drawing of boundary lines for election districts in*
21 *order to achieve, as nearly as possible, equal population among the election*
22 *districts.*

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
24 READ AS FOLLOWS:

25 *(1) The Advisory Redistricting Commission is hereby created as a permanent*
26 *commission for the purpose of drawing and adopting redistricting plans after*
27 *each decennial census, or as required by law, for each of the following districts:*

1 (a) State senatorial districts;

2 (b) State representative districts; and

3 (c) Congressional districts.

4 (2) The commission shall consist of fifteen (15) commissioners. Each commissioner
5 shall:

6 (a) Be registered and eligible to vote in the Commonwealth of Kentucky;

7 (b) Not currently, nor in the past six (6) years, have been any of the following:

8 1. A declared candidate for any partisan elective office;

9 2. A partisan elected official or person appointed to fill a vacancy in any
10 partisan elective office;

11 3. An officer or member of the governing body of any national, state, or
12 local political party;

13 4. A paid partisan consultant or an employee of any partisan elected
14 official or partisan political candidate, a partisan political candidate's
15 campaign, or a political action committee;

16 5. An employee of the General Assembly, including employees of the
17 Legislative Research Commission; or

18 6. A legislative agent as defined in KRS 6.611(23), employer of a
19 legislative agent as defined in KRS 6.611(12), an executive agency
20 lobbyist, or any other person employed or defined as a lobbyist within
21 the meaning of KRS 11A.010(11);

22 (c) Be neither the parent, stepparent, child, stepchild, sibling, nor spouse of any
23 individual who is disqualified from serving as a commissioner under
24 paragraph (b) of this subsection;

25 (d) Not otherwise be ineligible for appointed or elective office based on
26 conditions unrelated to age requirements;

27 (e) Have voted in at least two (2) of the last three (3) statewide elections;

1 (f) Not have donated more than two thousand dollars (\$2,000), in sum and for
 2 the same election, to an elected candidate, a candidate's political action
 3 committee or permanent committee, a caucus campaign committee, or an
 4 executive committee;

5 (g) Not have switched party affiliation within the five (5) years preceding the
 6 appointment;

7 (h) Not have lived in the same household, nor shared the same residential
 8 address, with any individual who is disqualified from serving as a
 9 commissioner under paragraph (b) of this subsection; and

10 (i) Attest under oath that he or she meets the qualifications set forth in this
 11 section.

12 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 13 READ AS FOLLOWS:

14 (1) In accordance with the requirements of this section and Section 2 of this Act, not
 15 later than July 15, 2021, and decennially thereafter, eight (8) commissioners
 16 shall be appointed through the following process:

17 (a) Two (2) members appointed by the President of the Senate;

18 (b) Two (2) members appointed by the Speaker of the House of Representatives;

19 (c) Two (2) members appointed by the Minority Leader of the Senate; and

20 (d) Two (2) members appointed by the Minority Leader of the House of
 21 Representatives.

22 (2) Commissioners appointed by the members of the General Assembly pursuant to
 23 subsection (1) of this section shall include representation of at least one (1)
 24 commissioner from each congressional district of this state. If the appointing
 25 authority cannot mutually agree to this requirement, the President of the Senate
 26 shall appoint commissioners who reside in the First and Second Congressional
 27 Districts, the Speaker of the House of Representatives shall appoint

1 commissioners who reside in the Third and Fourth Congressional Districts, the
2 Minority Leader of the Senate shall appoint one (1) of his or her two (2)
3 appointees to be a commissioner who resides in the Fifth Congressional District,
4 and the Minority Leader of the House of Representatives shall appoint one (1) of
5 his or her two (2) appointees to be a commissioner who resides in the Sixth
6 Congressional District.

7 (3) Not later than July 15, 2021, and decennially thereafter, the Secretary of State
8 shall:

9 (a) Issue a call to convene the commission;

10 (b) Prescribe and furnish applications for the position of redistricting
11 commissioner to be made available to residents of this state by publishing
12 notice of the commission, with application forms, prominently on the
13 Secretary of State's state official Web site home page, and in two (2) or
14 more newspapers of general circulation in the state. The Secretary of State
15 shall also issue press releases to various media outlets, which shall include
16 radio and television stations servicing residents of this state. The
17 applications, publications, and press releases shall provide the residents of
18 this state with information on the commission's objectives and obligations,
19 the requirements of Section 2 of this Act, the process for how residents of
20 this state may apply, and a point of contact where residents of this state may
21 direct questions;

22 (c) Mail additional applications as prescribed under paragraph (b) of this
23 subsection to five thousand (5,000) registered voters of this state, selected at
24 random and witnessed by a merit employee of the Secretary of State's
25 Office, from which one thousand (1,000) registered voters shall be
26 registered with one (1) major political party, one thousand (1,000)
27 registered voters shall be registered with a different and contrasting major

1 political party, and three thousand (3,000) registered voters shall not be
2 registered with either major political party;

3 (d) Require applicants to attest, under the validity of signature and penalty of
4 perjury, whether they are registered with one (1) of the two (2) major
5 political parties or whether they are not registered with either major
6 political party; and

7 (e) Require applicants to attest, under the validity of signature and penalty of
8 perjury, that they meet the qualifications set forth in subsection (2) of
9 Section 2 of this Act.

10 (4) Not later than August 15, 2021, but no sooner than August 10, 2021, and
11 decennially thereafter, from all applications submitted, the Secretary of State
12 shall:

13 (a) Eliminate incomplete applications and applications of persons who do not
14 meet the requirements of commissioner under subsection (3) of this section
15 and subsection (2) of Section 2 of this Act, based solely on the information
16 contained within the applications; and

17 (b) Randomly select, in a procedure witnessed by a merit employee of the
18 Secretary of State's office, forty (40) qualifying applicants, of which ten (10)
19 applicants shall be selected from one (1) pool of applicants registered with
20 one (1) of the two (2) major political parties, ten (10) applicants shall be
21 selected from the pool of applicants who are registered from the different
22 and contrasting major political party, and twenty (20) applicants shall be
23 selected from the pool of applicants who are not registered with either of the
24 two (2) major political parties. The Secretary of State shall inform the forty
25 (40) qualifying applicants that they have been randomly selected and that
26 their applications will be delivered to the eight (8) commissioners appointed
27 by the General Assembly for potential selection as a commissioner. The

1 Secretary of State shall deliver the applications of the qualifying forty (40)
2 applicants to the eight (8) commissioners appointed by the General
3 Assembly for a decision on selection for additional commissioners.

4 (5) Not later than September 1, 2021, and decennially thereafter, the eight (8)
5 commissioners appointed by the General Assembly shall select an additional
6 seven (7) commissioners from the forty (40) applicants referred by the Secretary
7 of State. Two (2) commissioners shall be selected from one (1) pool of applicants
8 registered with one (1) of the two (2) major political parties, two (2)
9 commissioners shall be selected from the pool of applicants from the different
10 and contrasting major political party, and three (3) applicants shall be selected
11 from the pool of applicants who are not registered with either of the two (2) major
12 political parties. Each of the seven (7) commissioners selected under this
13 subsection shall be selected with the affirmative roll-call vote of no less than five
14 (5) of the commissioners appointed by the General Assembly. As part of the
15 selection process of the additional seven (7) commissioners, the eight (8)
16 commissioners appointed by the General Assembly may request essays and letters
17 of recommendation from, and interview any or all of, the forty (40) applicants for
18 a determination of selection.

19 (6) The commission membership shall be inclusive of any person or group of people
20 representing a political party, those without affiliation to a political party, rural
21 or urban, and include persons of racial and linguistic minorities.

22 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) The terms of the commissioners shall expire once the commission has completed
25 its obligations for a census cycle or as otherwise required by law. Commissioners
26 may be reappointed or selected for the subsequent decennial census to serve as
27 commissioners. If vacancies occur, appointments to fill a vacancy shall occur not

1 more than seven (7) calendar days after the vacancy of a commissioner's seat.

2 (2) If a commissioner who was appointed by members of the General Assembly has
3 his or her seat on the commission vacated, the appointing authority of each
4 commission member, as established in subsection (1) of Section 3 of this Act,
5 shall fill the vacancy in accordance with the requirements of subsection (2) of
6 Section 2 of this Act and subsections (2) and (6) of Section 3 of this Act.

7 (3) (a) If a vacancy occurs in a seat held by a commissioner selected pursuant to
8 subsection (5) of Section 3 of this Act, then the vacancy shall be filled by the
9 Secretary of State.

10 (b) The Secretary of State shall adhere to subsection (6) of Section 3 of this Act
11 in his or her appointment authority.

12 (c) A commissioner selected shall be from any of the remaining original forty
13 (40) applicants who were randomly selected.

14 (d) The person appointed shall be derived from the same pool of applicants who
15 are registered with a major political party, or lack thereof, as that of the
16 original commissioner.

17 (e) The Secretary of State may request essays and letters of recommendation
18 from, and interview any or all of, the remaining applicants who were not
19 selected from the original forty (40).

20 (4) A commissioner's seat shall become vacant upon the occurrence of any of the
21 following:

22 (a) Death or mental incapacity of the commissioner;

23 (b) The Secretary of State's receipt of the commissioner's written resignation,
24 which shall be forwarded to the commission;

25 (c) The commissioner's violation of subsection (3) of Section 6 of this Act or
26 Section 12 of this Act;

27 (d) The commissioner ceases to be qualified to serve as a commissioner under

1 Sections 1 to 13 of this Act; or

2 (e) The commissioner is removed from service after written notice and an
3 opportunity for the commissioner to respond, by an affirmative roll-call vote
4 of nine (9) of the commissioners finding substantial neglect of duty, gross
5 misconduct in office, or inability to discharge the duties of the office.

6 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) The commission shall be attached to the Legislative Research Commission. If
9 funds are not available for the purpose of Sections 1 to 13 of this Act, the costs
10 shall be deemed a necessary government expense and shall be paid from the
11 general fund surplus account under KRS 48.700 or the budget reserve trust fund
12 under KRS 48.705.

13 (2) The commission may carry out the following functions, operations, and activities
14 in fulfillment of Sections 1 to 14 of this Act, which activities shall include but not
15 be limited to:

16 (a) Retaining or contracting independent and nonpartisan subject matter
17 experts and legal counsel;

18 (b) Conducting hearings and meetings;

19 (c) Publishing notices and maintaining a record of the commission's
20 proceedings;

21 (d) Purchasing equipment and computer software;

22 (e) Hiring administrative staff; and

23 (f) Any other activity necessary for the commission to conduct its business.

24 (3) The commission shall furnish reports of expenditures on a quarterly basis to the
25 secretary of the Finance and Administration Cabinet and to the Legislative
26 Research Commission and shall be subject to annual audit as provided by law.

27 (4) For each day that there is a commission meeting or hearing, and each day during

1 which the commissioner is working in fulfillment of his or her obligations, each
2 commissioner shall receive as compensation not more than two hundred dollars
3 (\$200) per a seven and one-half (7.5) hour work day. If a commissioner works
4 less than seven and a half one-half (7.5) hours in a day, the two hundred dollars
5 (\$200) compensation shall be prorated to correspond with the number of hours
6 worked by the commissioner. In addition to compensation as a member of the
7 commission, each commissioner shall be reimbursed for actual and necessary
8 expenses directly related to meetings and hearings of the commission.

9 (5) The commission shall inform the Legislative Research Commission if the
10 commission determines that funds or other resources provided for operation of
11 the commission are not adequate.

12 (6) The Legislative Research Commission shall furnish, under the direction of the
13 commission, all technical services that the commission deems necessary.

14 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) Each commissioner shall perform his or her duties in a manner that is impartial
17 and reinforces public confidence in the integrity of the redistricting process.

18 (2) The commissioners, staff, attorneys, and consultants shall not discuss
19 redistricting matters with members of the public outside of an open meeting or
20 hearing of the commission, except that a commissioner may communicate about
21 redistricting matters with members of the public to gain information relevant to
22 the performance of his or her duties, if communication occurs in writing, or at a
23 previously publicly noticed forum, hearing, or any other meeting held open to the
24 general public.

25 (3) Commissioners, staff, attorneys, experts, and consultants shall not directly or
26 indirectly solicit or accept any gift or loan of money, goods, services, or other
27 thing of value greater than twenty dollars (\$20) for the benefit of any person or

- 1 organization, which may influence the manner in which the commissioner, staff,
2 attorney, expert, or consultant performs his or her duties.
- 3 (4) On or before September 1, 2021, and decennially thereafter, a quorum of the
4 commission shall consist of eight (8) commissioners. After September 1, 2021,
5 and decennially thereafter, nine (9) commissioners shall constitute a quorum. All
6 meetings and hearings shall require a quorum. A meeting or hearing of the
7 commission shall not be held without twenty-four (24) hours' notice to all
8 members of the commission. All votes cast by the commission shall be recorded
9 through a roll-call vote.
- 10 (5) The commission shall conduct its meetings and hearings in a manner that invites
11 wide public participation throughout the state. The commission shall use
12 technology to provide public observation and meaningful public participation in
13 the redistricting process during all meetings and hearings.
- 14 (6) The commission shall adopt Mason's Manual of Legislative Procedure, newest
15 edition, as the source of rules of decisions and procedures in all cases not
16 otherwise provided for in the operations of its respective duties and obligations in
17 accordance with Sections 1 to 13 of this Act.
- 18 (7) All records of the commission shall be considered open records under KRS
19 61.870 to 61.884. All records and other information generated by the commission
20 pursuant to Section 5 of this Act shall be made available to the public on the Web
21 site established in KRS 7.505. The commission shall conduct all of its business at
22 open meetings and open hearings under KRS 61.805 to 61.850.
- 23 (8) A decision on the dismissal or retention of paid staff or consultants requires the
24 affirmative roll-call vote of at least nine (9) commissioners.
- 25 (9) The commission shall have the authority to be included as the recipient of the
26 census and population data as required by Pub. L. No. 94-171.
- 27 (10) The commission shall elect its own chair, who is a then-current voting

1 commissioner, by an affirmative roll-call vote of at least nine (9) commissioners.

2 The chair shall have the authority to select his or her vice chair, who shall also
 3 be a then-current voting member of the commission.

4 (11) The commission shall select a secretary, who is not a commissioner, by an
 5 affirmative roll-call vote of at least eight (8) commissioners, who shall keep a
 6 public record of all proceedings of the commission.

7 (12) The commission shall have the authority to consult and work with staff of the
 8 Legislative Research Commission, which shall include the sharing of any data or
 9 software.

10 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 11 READ AS FOLLOWS:

12 Once the commission receives the population data as described in subsection (5) of
 13 Section 1 of this Act and the full membership of fifteen (15) members is appointed and
 14 selected, the commission shall hold at least ten (10) public hearings via a livestream
 15 video teleconference. The video teleconference shall:

16 (1) Inform the public about the redistricting process and the purpose and
 17 responsibilities of the commission, and solicit information from the public about
 18 potential plans;

19 (2) Provide for a dialogue of exchange between commissioners and invited members
 20 of the public; and

21 (3) Be held for two (2) consecutive weeks with the following requirements:

22 (a) For the first week, the video teleconference shall commence at 10 a.m.,
 23 prevailing time in Frankfort, on Monday, Wednesday, and Friday, while
 24 commencing at 7 p.m., prevailing time in Frankfort, on Tuesday and
 25 Thursday; and

26 (b) For the second week, the video teleconference shall commence at 10 a.m.,
 27 prevailing time in Frankfort, on Tuesday and Thursday, while commencing

1 at 7 p.m., prevailing time in Frankfort, on Monday, Wednesday, and Friday.

2 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) Not later than December 15, 2021, and decennially thereafter, the commission
5 shall adopt redistricting plans as required by Sections 1 to 13 of this Act for each
6 of the following types of districts:

7 (a) State senatorial districts;

8 (b) State representative districts; and

9 (c) Congressional districts.

10 (2) Before commissioners draft any proposed plans, the commission may provide
11 testimony and hold hearings before the Interim Joint Committee on State
12 Government.

13 (3) Any resident of the Commonwealth may submit proposed and written
14 redistricting plans to the commission. The submission of plans shall include all
15 of the supporting documents described in subsection (1) of Section 9 of this Act.
16 These written submissions shall be public records and shall be readily available
17 to the public.

18 (4) (a) Each proposed plan shall be submitted to the secretary of the commission
19 no later than November 15, 2021, and decennially thereafter.

20 (b) Each commissioner shall be limited to proposing one (1) redistricting plan
21 for each type of district, which may include those plans submitted by
22 residents of the Commonwealth under subsection (3) of this section.

23 (c) After all proposed redistricting plans for each type of district are submitted,
24 the commission shall publish, for notice and comment, the proposed
25 redistricting plans with the required supporting materials pursuant to
26 subsection (1) of Section 9 of this Act. The commission shall respond to all
27 comments in an official capacity of record that is readily available to the

1 public before voting to adopt any proposed plan. The proposed redistricting
 2 plans with the required supporting materials shall be published with a
 3 prominent Internet link on the Kentucky Legislature home page. The
 4 commission shall issue press releases to two (2) or more newspapers of
 5 general circulation in the state, and radio and television stations servicing
 6 residents of this state, announcing the location and availability of the
 7 redistricting plans with the required materials for public review.

8 (d) Before voting to adopt any proposed plan after the November 15 deadline,
 9 the commission shall hold at least ten (10) public hearings via a livestream
 10 video teleconference for the purpose of soliciting comments from the public
 11 about the proposed plans. The video teleconference shall:

12 1. Provide for a dialogue of exchange between commissioners and
 13 invited members of the public; and

14 2. Be held for two (2) consecutive weeks with the following
 15 requirements:

16 a. For the first week, the video teleconference shall commence at
 17 10 a.m., prevailing time in Frankfort, on Monday, Wednesday,
 18 and Friday, while commencing at 7 p.m., prevailing time in
 19 Frankfort, on Tuesday and Thursday; and

20 b. For the second week, the video teleconference shall commence at
 21 10 a.m., prevailing time in Frankfort, on Tuesday and Thursday,
 22 while commencing at 7 p.m., prevailing time in Frankfort, on
 23 Monday, Wednesday, and Friday.

24 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 25 READ AS FOLLOWS:

26 (1) Each proposed redistricting plan shall include but not be limited to the following:

27 (a) Census data to verify the population of each district, which shall include

1 percentage deviation from the average district population for every district
2 with a justification of any deviation;

3 (b) Reference materials;

4 (c) Maps and legal descriptions that include the political subdivisions of local
5 governments;

6 (d) Man-made features, such as waterways which form the boundaries of the
7 districts;

8 (e) Programming information used to produce and test the plan; and

9 (f) Any other supporting materials or underlying data that were used in the
10 formation of each plan as required by subsection (2) of this section.

11 (2) The commission shall abide by the following criteria in proposing and adopting
12 each plan:

13 (a) Districts shall be of equal population, with minimum percentages of
14 deviation, as mandated by the United States Constitution and Section 33 of
15 the Constitution of Kentucky, and shall comply with the Voting Rights Act
16 of 1965, as amended, applicable federal laws, and applicable state laws;

17 (b) Districts shall be geographically contiguous;

18 (c) Districts shall reflect the state's diverse population and communities of
19 interest. Communities of interest may include but not be limited to
20 populations that share cultural, historical characteristic, social, and
21 economic interests. Communities of interest shall not include relationships
22 with political parties, incumbents, or political candidates;

23 (d) Districts shall not provide a disproportionate advantage to any political
24 party, which shall be measured by of an efficiency gap showing not more
25 than two (2) seats for congressional plans and not more than eight percent
26 (8%) for legislative plans;

27 (e) Districts shall not favor or disfavor an incumbent elected official or any

1 candidate;

2 (f) Districts shall reflect consideration of local governments' boundaries;

3 (g) Districts shall be reasonably compact;

4 (h) Consideration of party affiliation and voting history of citizens of the
5 Commonwealth may be used as an available source, but shall not be an
6 established criterion from which districts are drawn; and

7 (i) Previous election results may be used as an available source, but shall not
8 be an established criteria from which districts are drawn.

9 (3) The commission shall adhere to the following procedure in adopting each plan:

10 (a) Not later than December 15, 2021, and decennially thereafter, the
11 commission shall adopt a redistricting plan for each type of district. Before
12 voting to adopt any proposed plan, the commission shall ensure that each
13 proposed plan is tested, using appropriate technology, for compliance with
14 the criteria described in subsection (2) of this section. Each proposed plan
15 that will be voted on shall include the required supporting materials under
16 subsection (1) of this section;

17 (b) Before voting to adopt any proposed plan, the commission shall allow not
18 less than seven (7) calendar days' public notice of each proposed plan that
19 will be voted on, and the date, time, and location the vote will occur. The
20 vote to adopt any proposed plan shall include a livestream video
21 teleconference to allow for a dialogue of exchange between commissioners
22 and invited members public;

23 (c) A final decision of the commission to adopt a redistricting plan shall
24 require the affirmative roll-call vote of nine (9) of the commissioners. If no
25 plan satisfies this requirement for a type of district, the commission shall
26 use the following procedure to adopt a plan for that type of district:

27 1. Each commissioner may submit one (1) proposed redistricting plan for

1 each type of district to the full commission for consideration, which
2 may include those plans submitted by residents of this state under
3 subsection (3) of Section 8 of this Act; and

4 2. Each commissioner shall rank each plan submitted according to
5 preference. Each plan shall be assigned a point value inverse to its
6 ranking among the number of choices, giving the lowest-ranked plan
7 one (1) point and the highest-ranked plan a point value equal to the
8 number of plans submitted. The commission shall then adopt the
9 redistricting plans receiving the highest total points. If plans are tied
10 for the highest point total, the plan receiving the lowest total points
11 shall not be considered and the process of adoption shall repeat, in
12 accordance with this subsection, until a plan is adopted.

13 (4) Not later than January 1, 2022, and decennially thereafter, the commission shall
14 publish the adopted plans with a prominent Internet link on the Kentucky
15 Legislature home page, which shall include the required supporting materials
16 pursuant to subsection (1) of this section. In addition, the commission shall issue
17 a press release to two (2) or more newspapers of general circulation in the state,
18 and radio and television stations servicing residents of this state, announcing
19 availability of the plans, explaining where they can be located on the Internet,
20 and describing how the legislature will consider the plans.

21 (5) Not later than January 1, 2022, and decennially thereafter, the commission shall
22 issue a report that is delivered to the Legislative Research Commission, which
23 shall explain the basis on which the commission made its decisions in achieving
24 compliance with plan requirements and shall include but not be limited to the
25 required supporting materials pursuant to subsection (1) of this section. A
26 commissioner who votes against a redistricting plan may submit a dissenting
27 report which shall be issued with the commission's report.

1 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) During the 2022 regular session of the General Assembly, and decennially
4 thereafter, or an extraordinary session called by the Governor for the purposes of
5 redistricting, the General Assembly shall consider the commission's redistricting
6 plans for enactment into law. The General Assembly may enact or reject the
7 commission's redistricting plans, but may not alter or amend the plans except for
8 technical amendments, which do not alter or amend the substance of the plans.

9 (2) If the General Assembly does not enact the commission's adopted redistricting
10 plans, with each plan being separately considered, by the first Tuesday after the
11 fourth Monday of the 2022 Regular Session, and decennially thereafter, the
12 General Assembly, the assigned committee of jurisdiction, or either chamber
13 rejecting the plans shall return the rejected plans to the commission and request
14 development of new plans for the redistricting of the districts. The General
15 Assembly, the assigned committee of jurisdiction, or either chamber rejecting the
16 plans shall communicate to the commission its reasons for not enacting the
17 adopted redistricting plans, and may provide recommendations.

18 (3) After the return of the redistricting plans, the commission shall then draft a
19 second set of plans for the redistricting of districts within fourteen (14) business
20 days of the return of the first set of plans, which shall include the reasons, if
21 applicable, for not including the recommendations of the General Assembly, the
22 assigned committee of jurisdiction, or either chamber rejecting the plans.

23 (4) If the General Assembly does not enact the commission's second set of
24 redistricting plans within fourteen (14) business days of the commission's
25 submission of the second set of redistricting plans, the General Assembly, the
26 assigned committee of jurisdiction, or either chamber rejecting the plans shall,
27 within seven (7) business days, return the second set of plans to the commission

1 and communicate to the commission its reasons for not enacting the second set of
2 redistricting plans. The General Assembly is then permitted to enact its own
3 legislation regarding the redistricting of districts.

4 (5) The General Assembly shall separately consider enactment or rejection of the
5 commission's redistricting plans for the House and Senate state legislative
6 districts, and the United States Congressional districts.

7 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) Notwithstanding any other provision of law, an employer shall not discharge,
10 threaten to discharge, intimidate, coerce, or retaliate against any employee
11 because of the employee's membership on the commission as a commissioner,
12 attendance or scheduled attendance at a meeting, or any other personal
13 obligation that requires the employee to be absent from any services or
14 employment in which he or she is then engaged, for a reasonable time, while in
15 service of the commission.

16 (2) The commission, and all of its responsibilities, operations, functions, contractors,
17 consultants, and employees, shall not be subject to change, transfer,
18 reorganization, or reassignment and shall not be altered or abrogated in any
19 manner whatsoever by the General Assembly. No other body shall be established
20 by law to perform functions that are the same or similar to those granted to the
21 commission in Sections 1 to 13 of this Act.

22 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) No person shall influence or attempt to influence a commissioner by coercion,
25 bribe, favor, promise, inducement, or otherwise, related to any duty undertaken
26 by a commissioner in his or her capacity as a commissioner of the commission.

27 (2) Commission members, staff, attorneys, experts, and consultants shall not directly

1 or indirectly solicit or accept any gift or loan of money, goods, services, or other
 2 thing of value greater than twenty dollars (\$20) for the benefit of any person or
 3 organization, which may influence the manner in which the commissioner, staff,
 4 attorney, expert, or consultant performs his or her duties.

5 (3) Any person found guilty of violating this section shall be guilty of a violation and
 6 shall be subject to a fine of not more than twenty thousand dollars (\$20,000).

7 (4) Comments or suggestions at public hearings or public meetings shall not be
 8 considered a violation under this section.

9 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) If any provision of Sections 1 to 13 of this Act or the application thereof to any
 12 person or circumstance is held invalid, the invalidity shall not affect other
 13 provisions or applications of this Act that can be given effect without the invalid
 14 provision or application, and to this end the provisions of Sections 1 to 13 of this
 15 Act are severable.

16 (2) If the population and census data as described in subsection (5) of Section 1 of
 17 this Act are not provided to the commission by September 1, 2021, and
 18 decennially thereafter, the obligations of the commission and its deadlines shall
 19 be extended and proportional to each day past September 1 until the data is
 20 delivered to the commission.

21 ➔Section 14. KRS 5.005 is amended to read as follows:

22 (1) An action challenging the constitutionality of any legislative district created by this
 23 chapter shall be brought before a Circuit Court panel of three (3) judges, as
 24 convened pursuant to this section, which shall have exclusive jurisdiction in all
 25 matters relating to redistricting.

26 (2) The Advisory Redistricting Commission~~[The Secretary of State]~~ shall be named as~~[~~
 27 ~~a]~~ defendant in any action challenging the constitutionality of any legislative district

1 created by this chapter.

2 (3) The Legislative Research Commission may intervene as a matter of right in any
3 action challenging the constitutionality of any legislative district created by this
4 chapter.

5 (4) (a) Petitions to challenge the constitutionality of any legislative district created by
6 this chapter may be filed with the Circuit Court clerk in the judicial circuit
7 where the petitioner resides.

8 (b) The circuit clerk shall at once certify the challenge to the Chief Justice of the
9 Kentucky Supreme Court. Within twenty (20) days of the certification, the
10 Chief Justice shall randomly select three (3) current or retired Circuit Judges
11 to convene as a panel. No judge serving on the panel shall be from the same
12 Supreme Court district as any other judge serving on the panel.

13 (c) Any judge selected for the panel shall have all the powers and responsibilities
14 of a regular judge of the court. In addition, one (1) of the randomly selected
15 judges shall be named by the Chief Justice as the chief judge for the panel.

16 (d) 1. The chief judge may grant a temporary restraining order on a specific
17 finding, based on evidence submitted, that specified irreparable damage
18 will result if the order is not granted. The order shall remain in force
19 only until the full panel hears and determines any petition for a
20 preliminary injunction.

21 2. Any action of a single judge pursuant to this section may be reviewed by
22 the full panel at any time before a final judgment is issued in the
23 challenge for which the panel was convened.

24 (e) 1. The challenge shall be heard and any orders shall be entered in the
25 judicial circuit in which the petition was filed.

26 2. If subsequent challenges to the same legislative redistricting plan are
27 filed in the same or any other Circuit Court while the initial challenge is

- 1 pending, the challenges shall be consolidated and tried together.
- 2 (f) The panel shall decide the challenge by concurring vote of a majority of its
- 3 judges, and the decision shall be subject to the same rights of appeal as in
- 4 other civil actions.
- 5 (g) A retired justice or judge serving on a panel convened under this section shall
- 6 be compensated as provided by KRS 21A.110.
- 7 ➔Section 15. This Act may be cited as the Fair Maps Act.